

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X  
:  
UNITED STATES OF AMERICA : SEALED  
: INDICTMENT  
- v. - :  
: LUIS ENCARNACION, :  
: Defendant. :  
: :  
- - - - - X

22<sup>r</sup> CRM 693

COUNT ONE  
**(Narcotics Trafficking Conspiracy)**

The Grand Jury charges:

1. In or about October 2022, in the Southern District of New York and elsewhere, LUIS ENCARNACION, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that LUIS ENCARNACION, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that LUIS ENCARNACION, the defendant, and others known and unknown, conspired to distribute and possess with intent to distribute was 400 grams and more of

mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b) (1) (A).

(Title 21, United States Code, Section 846.)

**COUNT TWO**  
**(Narcotics Trafficking)**

The Grand Jury further charges:

4. On or about October 27, 2022, in the Southern District of New York and elsewhere, LUIS ENCARNACION, the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b) (1) (A).

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

**FORFEITURE ALLEGATION**

6. As a result of committing the offenses alleged in Counts One and Two of this Indictment, LUIS ENCARNACION, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or

indirectly, as a result of said offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

**Substitute Assets Provision**

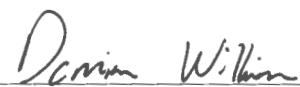
7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
  - a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



FOREPERSON



DAMIAN WILLIAMS  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES OF AMERICA

v.

LUIS ENCARNACION

Defendant.

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SEALED  
INDICTMENT

22 Cr. \_\_\_\_\_

(21 U.S.C. §§ 812, 841, and 846.)

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DAMIAN WILLIAMS  
United States Attorney

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Foreperson

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12/15/22 FILED INDICTMENT WALTERS ISSEN  
COT, USM